

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

JUN 02 2017

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

CR-14-48-GF-BMM

Plaintiff,

vs.

NICHOLES REY RIOS,

Defendant.

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter May 24, 2017. (Doc. 63.) Rios waived his right to object and neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations.

Thomas v. Arn, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 16, 2017. (Doc. 63 at 2-3.) Rios admitted that he violated the conditions of his supervised release. The

violations prove serious and warrant revocation of Rios's supervised release. Judge Johnston has recommended that the Court revoke Rios's supervised release and commit Rios to the custody of the Bureau of Prisons until June 4, 2017. (Doc. 63 at 4.) Judge Johnston further has recommended 33 months of supervised release, including treatment at Gateway Community Services, follow Rios's term of custody. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Rios's violation of his conditions represents a serious breach of the Court's trust. A sentence of custody until June 4, 2017, followed by 33 months supervised release, including treatment at Gateway Community Services, represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 86) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Nicholes Rey Rios be sentenced to custody until June 4, 2017, followed by 33 months supervised release, including treatment at Gateway Community Services.

DATED this 1st day of June, 2017.



Brian Morris
United States District Court Judge